

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA §
§
V. § CAUSE NO. SA 13-CR-153 OG
§
§
DANIEL ISAIAH THODY §

**PRO SE MOTION TO REVOKE DETENTION ORDER
AND SET CONDITIONS OF RELEASE**

TO THE HONORABLE HENRY J. BEMPORAD, UNITED STATES MAGISTRATE JUDGE
FOR THE WESTERN DISTRICT OF TEXAS:

Defendant, Daniel Isaiah Thody, *pro se* respectfully moves this Honorable Court to set conditions of release. In support of his motion, Mr. Thody shows this Court the following facts and circumstances.

I

Mr. Thody has previously advised the Court that he desire to stand by his constitutional right to self-representation. Mr. Thody in this motion reasserts this constitutional right and he represents himself. Mr. Thody acknowledges that the Court has appointed the Federal Public Defender to act as standby counsel.

Mr. Thody was initially ordered detained in the Western District of Michigan, Grand Rapids. (See docket no. 10.) Mr. Thody has not had a bond hearing in the San Antonio Division of the Western District of Texas.

II

The undersigned respectfully urges the Court to set the conditions of release. It is apparent from the pretrial report that the undersigned has no criminal record. Further, the undersigned

represents to the Court that he has a number of options available to him that would permit him to reside in San Antonio, Texas during the course of the proceedings related to this cause. The undersigned submits that he has available to him a number of close acquaintances who are prepared to provide him with long term accommodations. The residences of these acquaintances and their locations can be readily identified and verified and the undersigned would submit that upon inspection these residences would meet the approval of the Court.

III

The undersigned respectfully urges the Court to release him on an Unsecured Appearance Bond in the amount of \$25,000 and that he be placed under Pretrial Services Supervision with any of the following specific conditions to address any issues of concern for the Court, which may include but are not limited to the following suggested conditions.

Defendant shall:

1. report to Pretrial Services as directed;
2. execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: \$25, 000 unsecured bond;
3. maintain or actively seek verifiable employment;
4. surrender any passport to Pretrial Services as directed;
5. obtain no passport;
6. abide by the following restrictions on his personal association, place of abode, or travel: Travel restricted to Western District of Texas. Reside at address approved by Pretrial Services;
7. avoid all contact, directly or indirectly, with any persons who are or who may become

a victim or potential witness in the subject investigation or prosecutio;

8. refrain from the use or unlawful possession of a narcotic drug and other controlled substance defined in 21 U.S.C. Sec. 802 unless prescribed by a licensed medical practitioner;

9. shall submit to any method of testing required by the Pretrial Services Office or the supervising officer for determining whether the Defendant is using a prohibited substance. Such methods may be used with random frequently and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing; and

10. the following person sign as surety on the Appearance Bond: Daniel Isaiah Thody.

CONCLUSION

Mr. Thody respectfully asks that this Honorable Court, pursuant to the authority granted in 18 U.S.C. § 3142 and § 3145, to revoke the previous detention order, set conditions of bond as the Court may deem proper and necessary along with any other conditions of release as recommended the United States Pretrial Office.

Respectfully submitted.

/s/
Daniel Isaiah Thody
Defendant Pro Se

CERTIFICATE OF SERVICE

I certify that due to the fact that I am presently detained I have requested that my standby counsel, the Federal Public Defender remit the foregoing Pro Se Motion to Revoke Detention Order And Set Conditions of Release on the 29th day of May, 2013, with the Clerk of Court using the CM/ECF system, who will send notification of such filing to the following: Robert Pitman, United States Attorney for the Western District of Texas (ATTN: Assistant United States Attorney Mark Roomberg), at 601 NW Loop 410, Suite 600, San Antonio, Texas, 78216-5512.

/s/
Daniel Isaiah Thody
Defendant

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ORDER

On this day came on to be considered Defendant's Motion to Revoke Detention Order and Set Conditions of Release. The Court, after considering such motion, finds that such motion is well taken and should be GRANTED.

IT IS THEREFORE ORDERED that this matter be set for a hearing on Defendant's request to be released on conditions of bond on the _____ day of _____, 2013, at _____.

SO ORDERED this the _____ day of _____, 2013.

HENRY J. BEMPORAD
United States Magistrate Judge